

House Energy and Commerce Committee
Subcommittee on Oversight and Investigations Hearing:
“Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track
Injury Insurance and Other Health and Welfare Issues”
October 18, 2005

Testimony Submitted by Mr. Gary Birzer

My name is Gary Birzer. I am a second generation jockey. My father rode and trained horses. I started riding in February, 1997 at Fonner Park in Grand Island, Nebraska. I rode at many racetracks such as Lincoln Park, River Downs, Hoosier Park, Turfway Park, Buehla Park, Suffolk Downs, Canterbury Park and Mountaineer Park. My wife and I were engaged in July 1998. After talking to two Guild members, they suggested that I join the Guild, pay the \$100 yearly fee and the \$2.00 per mount member fee. I agreed and six months before Amy and I were married, I became a full member, feeling secure in the fact that me and my family would have the proper insurance. When I joined the Guild, Gary Stevens was President. When I received my handbook, it read “WE TAKE CARE OF OUR OWN”. And that included insurance for on-track injuries.

When the Guild was in financial trouble in 2001, I was one of the few that stayed a full \$10.00 per mount member, plus the \$100 annual fee, thinking that if anything would happen to me, they would take care of those who remained loyal. When Dr. Gertmenian and his management company, Matrix Capital, took over, I remained a loyal member, still putting in the maximum

\$10.00 per ride. I attended all the Guild meetings when they came to the track. Not once during any of those meetings was anything said about the catastrophic insurance being canceled. No other rider said anything about it either. If any of the other 20 riders in the meeting had heard it, the news would have spread like wildfire. I believed that the Guild insurance would cover me. I would have never ridden without insurance and put my family in jeopardy.

On July 20, 2004 my life changed forever. I only remember bits and pieces right after my accident, as I was being heavily medicated to lessen the pain from my injuries and to treat infections. I don't remember exactly when I found out that the Guild was not going to help me; however, my wife was dealing with it well before I became aware of the situation. I was in denial and very depressed for the longest time. The first time I talked to the Guild, I was in Squirrel Hill, one of the best rehabilitation centers for spinal cord injuries in the country. Amy was crying and near a nervous break down.

I called Mr. Albert Fiss. I left messages on his answering machine to call me. He finally called me back and asked me what he could do for me. I said, "Squirrel Hill is going to give me four weeks as charity but I need another 4 weeks. Can the Guild pay?" Albert answered back "yes." I told him he needed to talk to Ms. Joyce Watson in Admissions. Later, Ms. Watson came back to my room and said that Mr. Fiss agreed that the Guild would pay for 4 more weeks and take care of anything I needed.

We had a meeting a few days later at Squirrel Hill that involved Squirrel Hill management, Guild representatives Mr. Fiss, Darrell Haire, and Larry Saumell, Jockeys Bobby Walker Jr., Deshawn

Parker, and Dana Whitney. That morning Mr. Fiss told my wife that I did not have to leave Squirrel Hill because the Guild would pay for the additional 4 weeks, just as he told the jockey colony at Mountaineer Park, Dave Shepard, and all my family. Somehow, things changed in the meeting later that day. I went into the meeting thinking I was going to stay, but as the meeting went on, the discussion turned in a different direction and was around me going to the facility in West Virginia. They reassured us that the people were friendly there, but were not specialized in spinal cord injuries.

The day before I was to leave Squirrel Hill, Dr Gertmenian and Mr. Fiss came to visit me. The only thing they wanted to discuss was how I should sue Mountaineer Park, not why the Guild couldn't help me. I was then transported by ambulance to the West Virginia rehabilitation center. I fell into a deep depression during my stay there. While I was there, I had three visitors, Kelly Witsma, Jose Santos, and Johnny Valesquez. They indicated to me that they were also not aware that the catastrophic insurance was canceled.

I then left West Virginia on October 18, 2004, after three long months of being bounced around hospitals and rehab centers, struggling to accept the new life I've been dealt, battling with the management and representatives at the Guild to provide some assistance, and trying to keep my family from falling apart. If it wasn't for my dear wife, Amy, I would have never come through this as well as I have. She is my rock – She is my soul mate. We decided to come home to Cincinnati to be close to family.

After I was home, Terry Thompson, a fellow jockey at Prairie Meadows racetrack, was listening to a radio program called Races and Beyond, where Dr. Gertmenian was speaking. He heard Dr. Gertmenian say, on air, that the Guild was taking care of all of Gary Birzer's medical bills. He then called my brother Alex and told him what he heard. Alex said something to my agent, Jimmy Isbel and Jimmy immediately called the radio station. Jimmy was able to speak on air to confirm what was said. As Dr. Gertmenian had already hung up the phone and was no longer speaking, the radio station confirmed that "yes, that is what we heard also - Dr. Gertmenian said that all of Gary Birzer's bills were being paid". Then Jimmy, on air, informed the station that this was not true – that none of Gary's medical bills were being paid by the Guild.

In September 2005, I traveled back up to Mountaineer Park to visit my jockey friends. They said that the Guild had informed them that they were taking care of Gary Birzer and taking care of all of his medical bills. They said that the West Virginia State Rehab Center was one of the best in the country.

In the last year, I have had a lot of trouble with the Guild reimbursing us for my catheters and other needed medical supplies. We have had to make many phone calls and dealt with much aggravation in trying to get the reimbursements processed.

After remaining loyal to the Guild for so many years and relying on their promises, both in group meetings and when they have talked directly to me, I feel that they have completely let me down.